

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALEXSANDRO ROMAN,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 19-5204
	:	
DR. LITTLE, et al.	:	
Defendants.	:	

ORDER

AND NOW, this 4th day of December 2019, upon considering the *pro se* prisoner Plaintiff's Motion to proceed *in forma pauperis* (ECF Doc. No. 1), Prisoner Trust Fund Account Statement (ECF Doc. No. 2), Complaint (ECF Doc. No. 3), and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Plaintiff's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 1) is **GRANTED** and the Complaint (ECF Doc. No. 3) is deemed filed;

2. Alexsandro Roman, #JV2176, shall pay the full filing fee of \$350 in installments under 28 U.S.C. § 1915(b), regardless of the outcome of this case and to effect the recovery of this filing fee, the Clerk of Court shall forthwith send a copy of this Order to the Warden of SCI-Rockview who shall:

a. assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Plaintiff's inmate account; or (b) the average monthly balance in Plaintiff's inmate account for the six-month period immediately preceding the filing of this case;

b. calculate, collect, and forward the initial payment assessed under this Order to the Clerk of Court referring to this docket number; and,

c. in each succeeding month when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate account until the fees are paid with each payment referring to this docket;

3. Plaintiff states a claim for deliberate indifference and negligence against Dr. Little and Physician Assistant Nicholson in their individual capacities;

4. We **dismiss with prejudice**: Plaintiff's civil rights official capacity claims against all Defendants; his civil rights and state law claims against the Pennsylvania Department of Corrections; and, his claim against individual defendants under the Americans with Disabilities Act;


5. We **dismiss without prejudice** for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii): Plaintiff's civil rights and state law claims against Lieutenant White and Officer Dixon in their individual capacities; equal protection claims; Americans with Disabilities Act claims against the Department of Corrections; for medical negligence against Lieutenant White or Officer Dixon; and, state law claims for intentional infliction of emotional distress;

6. We grant Plaintiff **leave to file an amended complaint** on or before **January 6, 2020** consistent with the accompanying Memorandum and his Rule 11 obligations including his deliberate indifference and negligence claims and to possibly add a plausible civil rights or state law claim against Lieutenant White or Officer Dixon, for an equal protection violation, an Americans with Disabilities Act violation against the Department of Corrections, for medical negligence against Lieutenant White or Officer Dixon, and state law claims for intentional infliction of emotional distress. An amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint,

shall state the basis for claims against each defendant, and shall bear the title "Amended Complaint" and the caption 19-5204. The amended complaint must be a complete document including all of the bases for claims, including claims not yet dismissed. Claims not included in the amended complaint will not be considered part of this case;

7. The Clerk shall not issue summons or effect service until further Order; and,

8. If Plaintiff does not timely file an amended complaint by January 6, 2020, we will direct issuance of summons and service of the pending Complaint (ECF Doc. No. 3) upon Dr. Little and Physician Assistant Nicholson on the remaining deliberate indifference and medical negligence claims.



KEARNEY, J.